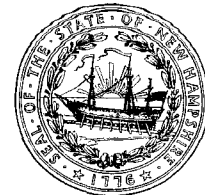




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 26, 2006

Mr. Randy Howe
34 Rolling Ridge Road
Lebanon, New Hampshire 03766

**CERTIFIED MAIL (7005 1160 0004 7467 6581)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION
(Burn)**

Dear Mr. Howe:

On April 10, 2006, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by Officer Jonathan Tracy of the Lebanon Police Department that non-conforming materials had been burned at 34 Rolling Ridge Road, Lebanon, New Hampshire (the "Property"). Officer Tracy reported that on Saturday, April 8, 2006, you were burning non-conforming material, including insulation; pressure-treated wood; a stereo; metal, logs greater than a foot in diameter and wire at the Property. Officer Tracy told DES that you are the owner of the Property.

On April 8, 2006, Officer Tracy and the Lebanon Fire Department met with you at the Property and determined that open burning was being conducted in violation of the NH Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution*, and RSA 125-C, *Air Pollution Control Act*. You explained that the material found in the burn pile was from the renovation of a building at the Property. The Lebanon Fire Department extinguished the fire and gave you a verbal warning for burning without a permit and advised you of items that are illegal to burn.

On April 11th and 13th, 2006, DES personnel left telephone messages for you to discuss the open burning that occurred on April 8, 2006 at the Property and to review the NH Administrative Rules relative to open burning. To date, DES has not received a return call from you.

The purpose of this letter is to notify you of the violations that took place on April 8, 2006, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violation is as follows:

Env-A 1001.04 states that open burning in any part of the state shall be permissible only when the burning is authorized by an official having jurisdiction over open burning, whenever authorization is required, and includes only materials burned in conformance with the rules. Conforming materials include brush which are 5 inches in diameter or less, leaves, and untreated wood. On April 8, 2006, Officer Tracy and the Lebanon Fire Department observed you burning non-conforming material, specifically, insulation; painted wood; sheet rock; pressure-treated wood and logs greater than a foot in diameter, including a tree trunk over 2 feet in diameter on the Property, and issued you a verbal warning for burning without a permit.

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. In the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/asb

Enc. Env-A 1001, *Open Burning*

cc: R. Kurowski, EPA Region 1
G. Hamel, DES Legal Unit Administrator
Steve Allen, City of Lebanon Fire Chief
Jonathan Tracy, Lebanon Police Department
G. Mandsager, Lebanon City Manager
File